

1984

May 14

Miss Viennia Borton, Supervisor
Child Welfare Services
Department of Public Welfare
State House Annex

Dear Miss Borton:

You have inquired whether a home giving foster care to a child under the age of sixteen is an exception permitted by R. L. c. 130, s. 2 as inserted by chapter 243 of the Laws of 1949 so as not to require a license where the foster parents are the father-in-law and mother-in-law of the child's sister.

The above mentioned section defines a child-caring agency, which must be licensed under the provisions of section 3, as follows:

"A child-caring agency is defined for the purposes of this chapter as any person, firm, corporation or association who operates or maintains a boarding house or foster home for children or who receives for foster care, control or custody one or more children under the age of sixteen not related by blood or marriage and separated from parent or guardian, except children committed by any court. . . ."

Related by marriage is synonymous with related by affinity. This relationship is that which one spouse has with the blood relations of the other. Thus, one spouse is related by marriage to the blood relatives of the other spouse; but the blood relatives of one spouse are not related by affinity to the blood relatives of the other spouse. 26 Am. Jur, Husband and Wife s. 2; 2 Words and Phrases, affinity.

I therefore advise that foster parents are not related by marriage to their daughter-in-law's sister and their home is required to be licensed as a child-caring agency if the subject child is to remain in their foster care.

Very truly yours,

Richard C. Duncan
Assistant Attorney General

RCD:RM

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